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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,820	12/30/2005	Nobuyuki Takakuwa	8048-1137	6581
466 7590 10/29/2010 YOUNG & THOMPSON 209 Madison Street Suite 500 Alexandria, VA 22314				
EXAMINER TEKLE, DANIEL T				
ART UNIT 2481		PAPER NUMBER		
NOTIFICATION DATE 10/29/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

# Office Action Summary

**Application No.**

10/562,820

**Applicant(s)**

TAKAKUWA ET AL.

**Examiner**

DANIEL TEKLE

**Art Unit**

2481

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-21 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 30 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claim 1-21 have been considered but are moot in view of the new ground(s) of rejection.

### **35 USC § 101**

The method claim 8-9, 11 and 13-14 are considered to be statutory because a human can not perform the function of "a reproducing unit that reproduces first video data from a recording medium, an interface unit that transmits the first video data reproduced from the recoding medium", without the aid of a machine.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-21 rejected under 35 U.S.C. 102(e) as being anticipated by Noguchi et al. (US 2005/0031300).

**Regarding Claim 1:** Noguchi et al. discloses a non-transitory information recording medium on which there are recorded: content information (**paragraph 0006: recorded program**); and a plurality of button information each of which is for defining a button menu which allows an operation as for said content information (**Fig. 2: 20a-20q,**

**plurality button menu**), for each reproduction capability which is necessary to reproduce said content information (**paragraph 0051 and fig. 2: each button capable operating AV data**), the reproduction capability being a capability determined in accordance with a type, coding method (paragraph 0102: MPEG encoder or intra-frame coding), reproduction rate (fig. 2: playback in fast or slow mode), processable data amount of reproducible information on an information reproducing apparatus (paragraph 0134: reproduction for each program is executed such that each of the first program PG1 to the fourth program PG4 is one unit), each of said plurality of button information comprising in advance by a combination of predetermined button pages which are determined on the basis of said reproduction capability (**Fig. 2: each button have a different reproduction capability**), out of a plurality of button pages each of which can constitute the button menu and whose display can be changed to each other (**paragraph 0113-0114 and fig. 6B: menu picture M, pictures M1 to M6 indicative of the respective programs are displayed within the menu picture M**), at least one of the plurality for button information being selected in accordance with the reproduction capability in performing the operation (**paragraph 0051 and fig. 2: each button capable operating unique operation**).

**Regarding Claim 2:** Noguchi et al. discloses an information recording medium according to claim 1, on which there is further recorded attribute information which indicates the reproduction capability, in association with button information (**paragraph 0139: header includes address information of playlist**).

**Regarding Claim 3:** Noguchi et al. discloses an information recording medium

according to claim 1, wherein there is further recorded play list information for defining reproduction sequence of said content information by a unit of item, on said information recording medium (**paragraph 0134 and fig. 7: PG1-PG4; PL1 and PL2 define reproduction controller**), and play list information includes: item information for specifying the item which constitutes content information (**Fig. 7: playlist PL1 with an items PG1-PG3**); and sub item information for specifying said button information corresponding to the item as a sub item (**paragraph 0140: The use of the play lists having the configuration shown in FIG. 7 enables the user to automatically reproduce the first part PT11 to the third part PT13 in this order**).

**Regarding Claim 4:** Noguchi et al. discloses an information recording medium according to claim 2, wherein content information and said button information are multiplexed by a unit of packet, which is a physically accessible unit, and recorded on said information recording medium as an entire stream (**paragraph 0115: program to be reproduced goes under the step of reproducing circuit 8, the reproduction decoder 9, the multiplexer 10, the MPEG decoder 11, the switch 22 and the D/A converter 13 start the output of the output signal corresponding to the program to be reproduced**), there is further recorded an object information file for storing correspondence definition information which defines a correspondence relationship between the entire stream and the plurality of packets which are multiplexed (**paragraph 039 and 0148: header defines the playlist information**), as reproduction control information for controlling reproduction of the entire stream (**paragraph 0131 and fig. 7: play list serving as a reproduction control information**), and attribute

information is included in said object information file (**paragraph 0139: header includes address information of playlist**).

**Regarding Claim 5:** Noguchi et al. discloses an information recording medium according to claim 1, wherein said button information includes a plurality of button pages which can constitute the button menu and whose display can be changed to each other (**paragraph 0051 and fig. 2: each button capable operating unique operation**).

**Regarding Claim 6:** Noguchi et al. discloses an information recording medium according to claim 5, wherein at least one of the plurality of button pages includes button command information for defining the operation (**paragraph 0051 and fig. 2: each button capable operating unique operation**).

**Regarding Claim 7:** Noguchi et al. discloses an information recording medium according to claim 5, wherein at least one of the plurality of button pages includes button control information being associated with at least one button image information which is displayed and outputted as the button menu (**paragraph 0113: pictures M1 to M6 indicative of the respective programs are displayed within the menu picture M**), and for displaying and outputting the button image information (**fig. 6B: program being reproduced**).

**Regarding Claim 8:** Noguchi et al. discloses an information recording medium according to claim 7, wherein the button control information includes at least one of button image number information which indicates association with the button image information (**paragraph 0178 and Fig. 12A-12D: buttons corresponding to playlist items**), display position information which indicates a display position on the button

menu of a button defined by the button image information, and near-by button information which indicates a change in a state of the button caused by the operation **(Paragraph 0113 and Fig. 6: menu picture M, pictures M1 to M6 indicative of the respective programs are displayed within the menu picture M).**

**Regarding Claim 9:** Noguchi et al. discloses an information recording medium according to claim 1, on which there is further recorded reproduction control information for controlling such that the button menu is displayed **(paragraph 0186: selection buttons 20k, 20n on the selection picture are used to put the cursor K upon the first play list to then push down the determination button 20m)** with it superimposed on or replaced by one portion of said content information, or is not displayed at all **(paragraph 0146 and fig. 9A: superimposed information).**

**Regarding Claim 10-12:** Claim 10-12 reject for similar reason to claim 1 as discussed above.

**Regarding Claim 13:** Noguchi et al. discloses an information reproducing apparatus according to claim 12, wherein said reproducing device pre-loads button information before reproduction of content information **(fig. 2: button information pre-loads in order to playback playlists).**

**Regarding Claim 14:** Noguchi et al. discloses an information reproducing apparatus according to claim 12, further comprising a buffer memory for storing the generated button menu **(paragraph 0066: buffer signal for storing temporary control signal).**

**Regarding Claim 15:** Claim 15 reject for similar reason to claim 1-2 and 5 as discussed above.

**Regarding Claim 16:** Claim 16 reject for similar reason to claim 1, 5 and 7 as discussed above.

**Regarding Claim 17:** Claim 17 reject for similar reason to claim 1, 5 and 7 as discussed above.

**Regarding Claim 18:** Claim 18 reject for similar reason to claim 1, 5 and 7 as discussed above.

**Regarding Claim 19:** Claim 19 reject for similar reason to claim 1, 5 and 7 as discussed above.

**Regarding Claim 20:** Claim 20 reject for similar reason to claim 1, 5 and 7 as discussed above.

**Regarding Claim 21:** Claim 21 reject for similar reason to claim 1 as discussed above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on 571-272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel Tekle/  
Examiner, Art Unit 2481

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/Peter-Anthony Pappas/

Supervisory Patent Examiner, Art Unit 2481